

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:07cr242

UNITED STATES OF AMERICA,

vs.

TINA TENNILLE MARTIN.

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ORDER

THIS MATTER is before the Court on the Defendant's Appeal of Bond Denial and Request for Bond Under 18 U.S.C. § 3143.

On October 24, 2007, the Defendant was indicted in a seven-count bill of indictment and charged with bank fraud, in violation of 18 U.S.C. § 1344; identity theft, in violation of 18 U.S.C. § 1028(a)(6); and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). A detention hearing was held on November 1, 2007, at which time the Magistrate Judge ordered the Defendant detained pending trial. On November 17, 2007, the Defendant filed a motion for bond review with the Magistrate Judge. That motion was heard by the Magistrate Judge on December 4, 2007. At the hearing, the Defendant argued that there had been a change of circumstances warranting the Defendant's release on bond under 18

U.S.C. § 3142(g), namely, the Defendant's deteriorating mental condition in jail, including a suicidal threat on November 3, 2007. The Magistrate Judge orally denied the Defendant's request for reconsideration of bond at the hearing.

On February 6, 2008, the Defendant entered a plea of guilty to two counts of the Indictment pursuant to a written plea agreement with the Government. The Defendant now moves, pursuant to 18 U.S.C. § 3145(b), for a review of the Magistrate Judge's Order of December 4, 2007 denying her motion to reconsider bond. She also renews her request for bond under 18 U.S.C. § 3143, as she has now pled guilty to two charges in this case.

Pursuant to 18 U.S.C. § 3143, a "judicial officer *shall order* that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence . . . be detained, unless the judicial officers finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released" 18 U.S.C. § 3143(a)(1) (emphasis added).

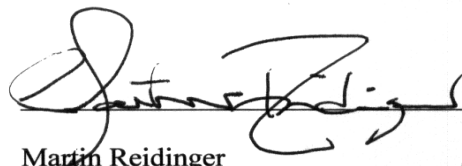
The Defendant fails to satisfy the requirement for release under the statute. As noted by the Magistrate Judge, the Defendant has an extensive criminal history, including numerous felony convictions for

embezzlement and obtaining property by false pretenses. Further, even though she was contacted by investigators prior to the filing of the Indictment and was advised that she was under investigation, the Defendant continued to commit acts of identity theft. Based upon these facts, the Magistrate Judge correctly concluded that the Defendant posed a danger to the community, thus requiring her continued detention. The Defendant has not shown any significant change in circumstances warranting her release pending sentencing.

IT IS, THEREFORE, ORDERED that the Defendant's Appeal of Bond Denial and Request for Bond Under 18 U.S.C. § 3143 are **DENIED**, and the Magistrate Judge's Order denying bond is **AFFIRMED**.

IT IS SO ORDERED.

Signed: February 18, 2008


Martin Reidinger
United States District Judge

